

1 THE HONORABLE JAMES L. ROBART
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10 **UNITED STATES DISTRICT COURT**
11 **WESTERN DISTRICT OF WASHINGTON**
12 **AT SEATTLE**

13 CLOANTO CORPORATION, a Nevada
14 Corporation

15 Plaintiff,

16 vs.

17 HYPERION ENTERTAINMENT C.V.B.A.,

18 Defendant.

19 No. 2:18-cv-00535-JLR

20 ORDER GRANTING DEFENDANT'S
21 MOTION TO CONSOLIDATE

22 [PROPOSED]

23 This matter has come before the Court on the Motion of Defendant Hyperion
24 Entertainment C.V.B.A. ("Hyperion"), pursuant to Rule 42, Federal Rules of Civil Procedure,
25 and LCR 42, seeking consolidation of this action into Case No. 2:18-cv-00381-RSM,
26 *Hyperion Entertainment C.V.B.A. v. Itec LLC, Amiga, Inc., Amino Development Corp., and
Cloanto Corporation* (the "381 action"). The Court has considered the parties' submissions,
supporting materials, and filings in the respective actions.

27 The Court acknowledges that Hyperion and Cloanto Corporation ("Cloanto") are
28 parties to both this action and the 381 action, and concludes that the disputed issues in this

29 ORDER GRANTING DEFENDANT'S
30 MOTION TO CONSOLIDATE - 1
31 CASE No. 2:18-cv-00535-JLR

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1 and the 381 action involve numerous common questions of law and fact. The Motion for
 2 Consolidation was filed early in the progress of both actions, such that consolidation will not
 3 present scheduling conflicts, and no party will suffer prejudice by consolidation. The Court
 4 therefore determines that consolidation is appropriate.

5 The Court further acknowledges that pleadings in both actions refer to a Stipulated
 6 Judgment and Settlement Agreement that resolved an earlier dispute *Amiga, Inc. v. Hyperion*
 7 *VOF*, No. 2:07-cv-00631-RSM. Because the Honorable Ricardo S. Martinez presided over
 8 that earlier dispute, and because the 381 action is currently pending before Judge Martinez,
 9 the Court concludes that both actions should be consolidated into the 381 action, and should
 10 remain with Judge Martinez.

11 IT IS THEREFORE ORDERED THAT this action is consolidated into Case No. 2:18-
 12 cv-00381-RSM. The parties in the consolidated action will be oriented to name Cloanto as
 13 Plaintiff, and Cloanto's First Amended Complaint in this 535 action will be considered the
 14 initial pleading in the consolidated case. Hyperion will have 14 days from the date of this
 15 Order to combine its pleadings in both cases into an Amended Answer, which may include a
 16 Counterclaim against Cloanto, and a Third-Party Complaint against Itec, LLC, Amiga, Inc.,
 17 and Amino Development Corp.

18 Dated this ____ day of August, 2018.

19
 20 UNITED STATES DISTRICT JUDGE

21 Presented By:

22 By: s/ Robert J. Carlson

23 Robert J. Carlson, WSBA 18455
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ORDER GRANTING DEFENDANT'S
 MOTION TO CONSOLIDATE - 2
 CASE No. 2:18-cv-00535-JLR

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CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of July 2018, I caused to have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

gtroy@webtm.com

mike@atkinsip.com

By: s/ Robert J. Carlson

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